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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,738	05/19/1999	SHOLOM S. ROSEN	0225-4185	5587

7590 03/05/2002

MORGAN & FINNEGAN LLP  
345 PARK AVENUE  
NEW YORK, NY 10154

EXAMINER
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BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 03/05/2002

11

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/314,738

Applicant(s)

ROSEN, SHOLOM S.

Examiner

Gilberto Barrón Jr.

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 January 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: SEE ATTACHED RESPONSE.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.Claim(s) objected to: NONE.Claim(s) rejected: 1-11.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Gilberto Barrón Jr.  
Primary Examiner  
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***Response to Arguments***

1. Applicant's arguments filed January 4, 2002 have been fully considered but they are not persuasive. The Request for Reconsideration points to a second excerpt at page 36, lines 1-9, to show that the description expresses describes, "as an alternative embodiment, implementing a common communication channel for inter-transaction device communications between money modules and trusted agents." However, this passage, which describes as a less preferable alternative embodiment, system security pertaining to the money modules may be integrated with that for the trusted agents 120, in solely directed to the system security between the money module and the trusted agent. Applicant's argument that extending this "integration" to all other functionality between the money module and the trusted agent is not apparent. Nowhere in the specification is there express description of an embodiment where the separate transaction functions of the money module and the trusted agents are to be integrated.

Nor is the argument that the first and second excerpt describe modifying the purchase of electronic money protocol in a manner that would result in a process flow that those skilled in the art would clearly and reasonably understand as being a logical/functional integration of trusted agent and money module, persuasive. Applicant's assertion that modifying the described invention would result in a process flow to support the claims at issue is not clearly shown by any reference to what one skilled in the art would have knowledge of at the time of the invention. There is no support for the allegation that the modification to the security considerations would

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result in any modification to the described electronic money/ticket vending and refunding protocol described in the instant disclosure.

Further, that one skilled in the art would have been appraised that the description supports an alternative embodiment, not expressly or inherently described, but obvious with respect to the preferred embodiment, without any further teaching or suggestion from a separate source or based on the knowledge of one skilled in the art, in order to establish possession of this alternative embodiment is not convincing.

Applicant's mere allegation that this alternative embodiment is obvious and within the understanding of one skilled in the art cannot be persuasive absent a showing that the differences between the preferred embodiment and the so-called alternative embodiment is taught or suggested in the prior art of one skilled in the art.

2. Applicant's arguments that an embodiment that stores electronic money transaction history information in a different format and/or different steps from electronic ticket information nevertheless updates a transaction history "including transactions of electronic money and electronic tickets", is not persuasive as the instant claims specify an electronic ticket storage device that stores electronic money, electronic ticket and a transaction history including transactions of electronic money and electronic tickets.

This point is substantial as the prosecution history of Hiroya indicates that this was one of the reasons for patentability.

3. Applicant's argument that the instant disclosure does provide express support for "the order of exchanging electronic merchandise and money may be reversed" is noted. However, the examiner's argument was that the exchange of electronic merchandise

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and electronic money in the instant disclosure was a separate function of the trusted agents and the money modules, respectively. While the claims specify an embodiment that has one electronic ticket device storage device that stores the electronic money, electronic ticket and a transaction history, not separate devices for each.

4. Applicant's argument regarding the host processor being coupled to the money module and the trusted agent through a bus 126, see Figure 3, which those skilled in the art clearly understand may include any of myriad types of bus interfaces that are well-known to allow that components to be detachable/unpluggable/removable, is not persuasive. The same Figure 3, shows a box 122 that clearly conveys that the "host processor" is not external to the money module or the trusted agent, but rather is included as a complete device.

5. The final rejection is maintained and continues to run from the date of the Final Office Action, September 20, 2001.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gilberto Barrón Jr. whose telephone number is (703) 305-1830. The examiner can normally be reached on Mondays thru Thursdays from 8:00 AM to 5:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors, Mr. Albert Decady, can be reached on (703) 305-9595, or Ms. Gail Hayes, can be reached on (703) 305-9711.

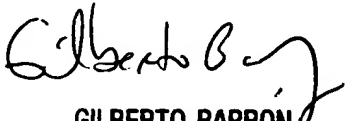
The fax phone number for OFFICIAL responses for the organization where this application or proceeding is assigned is (703) 746-7239.

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The fax phone number for AFTER FINAL responses for the organization where this application or proceeding is assigned is (703) 746-7238.

The fax phone number for DRAFT proposals for the organization where this application or proceeding is assigned is (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
GILBERTO BARRON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100